

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Criminal Justice – Warangal District – Appeal against acquittal in S.C.No.349/2010 on the file of the III Additional Assistant Sessions Judge, (FTC) Warangal –Permitted to file an appeal- Orders - Issued.

LAW (LA&J-HOME-COURTS.B) DEPARTMENT

G.O.Rt.No: 1153

DATED:07-07-2012,
Read the following:

- 1 From the Additional Public Prosecutor, High Court of Andhra Pradesh, Hyderabad, Opinion No.33/ 2011, Dt21.07.2011.
- 2 Government Memo No.23465/ Crts B1/2011.Dt:28.11.2011
- 3 From the Additional Public Prosecutor, High Court of Andhra Pradesh, Hyderabad, Re opinion No. 33/2011/YRP, Dt 06.03.2012.

ORDER:

In the letter 1st read above, the Additional Public Prosecutor, High Court of Andhra Pradesh, has stated that, she has perused the judgment in S.C.No.349/2010 on the file of the III Addl. Asst. Sessions Judge, (FTC) Warangal and other material available on record. She has stated that, in the present case, the witnesses examined before the trial court have clearly revealed that the accused has committed the offence punishable under sections 366,417 and 376 of the Indian Penal Code, 1860. The trial court ought to have believed the evidence of Pw-2 (G Swarna latha) who is a victim and ought to have convicted the accused. The learned judge ought to have seen that the accused had taken away Pw-2, made her pregnant and later sent her back to her house by beating her, it is a clear case under section 417 of the Indian Penal Code, 1860.,

2. In view of the above the Additional Public Prosecutor, High Court of Andhra Pradesh, had opined that it is a fit case to prefer an appeal.

3. The Government after careful examination of the request of the Additional Public Prosecutor, High Court of Andhra Pradesh in S.C.No.349/2010 on the file of the III Additional Assistant Sessions Judge, (FTC) Warangal , rejected the same on the ground that “there are no good and valid grounds” to file an appeal in the said case in the memo 2nd read above.

4. In the letter 3rd read above, the Additional Public Prosecutor, High Court of Andhra Pradesh, has reiterated her earlier opinion in the letter 1st read above.

5. The Government have re-examined the matter and hereby direct the Additional Public Prosecutor, High Court of Andhra Pradesh, to file an appeal under section 378 of the Code of Criminal Procedure,1973 (Act 2 of 1974) against the order of acquittal in S.C.No.349/2010, dated:12-10-2010 on the file of the III Additional Assistant Sessions Judge, (FTC) Warangal, Warangal District.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A. SHANKAR NARAYANA,
SECRETARY TO GOVERNMENT,
LEGISLATIVE AFFAIRS AND JUSTICE.

To
The Additional Public Prosecutor, High Court of
Andhra Pradesh, Hyderabad.
The Collector and District Magistrate, Warangal District.
The Director-General and Inspector-General of Police,
Andhra Pradesh, Hyderabad.
The Superintendent of Police, Warangal District.
Copy to:
The Law (E) Department.
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER.